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AMENDMENT TO THE 1973 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AN AMENDMENT TO THE 1973 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) ADOPTED AT AN EXTRAORDINARY MEETING OF THE PARTIES TO THE CONVENTION APRIL 30, 1983

OCTOBER 4, 1983.—Amendment was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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WASHINGTON: 1983

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *October 4, 1983.*

To the Senate of the United States:

I transmit herewith, with a view to receiving the advice and consent of the Senate to acceptance, an Amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), done at Washington, March 3, 1973. The Amendment provides for accession by regional economic integration organizations to CITES and, upon entry into force, would permit the European Community to become Party to the Convention. Accession of the Community would serve to make applications of CITES within the Community an internationally binding obligations and thus enhance implementation and enforcement of the Convention, an objective which the United States strongly supports. The report of the Department of State is enclosed for the information of the Senate in connection with its consideration of the Amendment.

CITES was established to facilitate international conservation, providing for the control and monitoring of international trade in specimens of species endangered or threatened with extinction. The Convention, as currently constituted, provides only for accession of States. The European Community seeks to achieve accession through an Amendment which would open the Convention for accession by regional economic integration organizations constituted by sovereign States which have competence for the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by the Convention. In such matters, the organizations would exercise the rights and fulfill the obligations attributed to their Member States. The Amendment, with revisions added at United States instance, was adopted by the CITES Parties at an extraordinary meeting in Gaborone, Botswana, April 30, 1983.

I recommend that the Senate act favorably at an early date on this Amendment, and give its advice and consent to acceptance.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, September 26, 1983.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmittal to the Senate for advice and consent to acceptance, an Amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), done at Washington March 3, 1973.

CITES, which entered into force for the United States on July 1, 1975, was established to facilitate conservation and protect endangered species against over-exploitation through international trade. The Amendment would provide for accession to CITES by regional economic integration organizations, permitting the European Community (EC) to become Party to the Convention.

On December 3, 1982, the Council of Ministers of the European Community adopted a regulation providing for the application of CITES throughout the Community. To make this action internationally binding, the EC Commission believes that the Community should accede to the Convention. However, the Convention provides for accession only by States. The Community seeks to achieve accession through an Amendment to CITES which would provide for accession of regional economic integration organization (REIO's). Such an Amendment was adopted by a vote of 27 to 9 at an Extraordinary Meeting of the Parties to the Convention April 30, 1983, held in conjunction with the fourth regular Conference of CITES Parties in Gaborone, Botswana.

On entry into force, the amendment would open the Convention for accession by regional economic integration organizations constituted by sovereign States which have competence for the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by the Convention. In such matters, the organizations would exercise the rights and fulfill the obligations attributed to their member states, and any reference to "Party" or "Parties", "State" or "States", or "State Party" or "States Parties" in the Convention would be construed as including REIO's.

At United States' instance, provisions were added to the amendment: 1) that REIO's declare their competence in matters governed by the Convention and any substantial modifications thereto, such declarations to be distributed to the Parties by the Depository (Swiss) Government; 2) that REIO's, when voting on matters within their com-

petence, would exercise votes equivalent to the number of their members which are Parties to the Convention and would not vote when their members vote; and 3) that REIO's could not exercise rights or fulfill obligations under the Convention unless at least one of their members was party to CITES.

The United States supported adoption of the Amendment, with the added provisions above, in the belief that it would be beneficial to United States' interests to agree to amend the Convention and encourage European Community participation. There is very broad American public support for positive, effective, worldwide application of CITES, including both conservation and legitimate wildlife trade organizations. Representatives of the EC indicated, both during the debate at the Extraordinary Meeting and previously, that the Community is sincerely interested in implementing and enforcing CITES, an objective which the United States strongly advocates. EC member states which are currently Party to the Convention will remove all reservations relating to species listed in its Appendices. Although only five of the ten EC countries are currently Party to CITES, it will be implemented throughout the entire Community in January 1984, through the regulation of December 3, 1982.

We are satisfied that entry into force of this amendment will not open CITES to organizations whose degree of economic integration is questionable, because they would not be competent under the terms of the Amendment. The European Community is, in any case, the only regional economic integration organization we know of at this time which has indicated interest in acceding to CITES.

The Commission of the European Community has requested that the United States actively support EC accession by accepting the Amendment. The Department of the Interior, which participated with the Department of State in the negotiation of CITES and of the present Amendment, concurs in the view that acceptance is desirable.

I recommend that this Amendment be transmitted to the Senate for its advice and consent.

Respectfully submitted,

GEORGE P. SHULTZ.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Secretariat,
Gland, Switzerland.

AMENDMENT

In accordance with Article XVII of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington, D.C. on 3 March 1973, an extraordinary meeting of the Conference of the Parties was convened in Gaborone (Botswana), on 30 April 1983.

The following Parties were represented: Argentina, Australia, Austria, Bolivia, Botswana, Brazil, Canada, Chile, China, Denmark, Finland, France, Gambia, Federal Republic of Germany, Guyana, India, Indonesia, Israel, Italy, Japan, Kenya, Liberia, Madagascar, Malawi, Malaysia, Mozambique, Nepal, Norway, Pakistan, Papua New Guinea, Peru, Portugal, Rwanda0, St. Lucia, Senegal, Seychelles, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay and Zambia.

By the requisite two-thirds majority of Parties present and voting, the meeting adopted an amendment to Article XXI of the Convention, which adds, after the words "Depositary Government.", the following 5 paragraphs:

"1. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.

2. In their instruments of accession, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary Government of any substantial modification in the extent of their competence. Notifications by regional economic integration organizations concerning their competence with respect to matters governed by this Convention and modifications thereto shall be distributed to the Parties by the Depositary Government.

3. In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfill the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.

4. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes

equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.

5. Any reference to "Party" in the sense used in Article 1(h) of this Convention to "State"/"States" or to "State Party"/"States Parties" to the Convention shall be construed as including a reference to any regional economic integration organization having competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention."

Gland, 17 May 1983.

EUGENE LAPOINTE,
Secretary General.

Certified true copy:
For the Federal Department of Foreign Affairs:

RUBIN.

Berne, July 27, 1983.

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